

FILED BY *JE* D.C.

05 JUN -3 PM 2:12

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

ROBERT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

OUTDOOR OPTICS, INC. d/b/a/  
OLYMPIC OPTICAL CO.

Plaintiff,

v.

DAISY MANUFACTURING COMPANY, INC.

Defendant.

Civil Action No. 05-2185 D  
Hon. Bernice Donald

**SCHEDULING ORDER**

Pursuant to written notice, a scheduling conference was held on May 25, 2005. Present were Minaksi Bhatt from the law firm of Rothwell, Figg, Ernst & Manbeck, counsel for plaintiff, and Danny Awdeh from the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, counsel for defendant. At the conference, the following dates were established as the final dates for:

**INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1):** June 8, 2005

**PLAINTIFF'S DISCLOSURE OF INFRINGEMENT CONTENTIONS:** June 24, 2005

**JOINING PARTIES:** July 7, 2005

**AMENDING PLEADINGS:** July 7, 2005

**DEFENDANT'S NON-INFRINGEMENT AND INVALIDITY CONTENTIONS:** July 25, 2005

**PLAINTIFF'S RESPONSE TO INVALIDITY CONTENTIONS:** August 11, 2005

**PARTIES MEET AND CONFER REGARDING CLAIM CONSTRUCTION:** August 19, 2005

**INITIAL MOTIONS TO DISMISS:** September 8, 2005

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**PLAINTIFF FILES CLAIM CONSTRUCTION BRIEF:** September 16, 2005

**DEFENDANT FILES RESPONSE REGARDING CLAIM CONSTRUCTION:** October 14, 2005

**REQUESTED DATE FOR CLAIM CONSTRUCTION HEARING:** October 28, 2005

**COMPLETING FACT AND EXPERT DISCOVERY:** February 17, 2006

(a) **DOCUMENT PRODUCTION:** November 25, 2005

(b) **DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:** November 25, 2005

(c) **DISCLOSURE OF EXPERT TESTIMONY (Rule 26):**

(1) **DISCLOSURE OF EXPERT TESTIMONY ON ISSUES AS TO WHICH PARTY HAS THE BURDEN OF PROOF:** December 23, 2005

(2) **SUPPLEMENTAL DISCLOSURE TO CONTRADICT OR REBUT EVIDENCE ON THE SAME SUBJECT MATTER:** January 20, 2006

(3) **COMPLETE EXPERT WITNESS DEPOSITIONS:** February 17, 2006

**FILING DISPOSITIVE MOTIONS:** March 3, 2006

**RESPONSES TO DISPOSITIVE MOTIONS:** March 24, 2006

**REPLY BRIEFS IN SUPPORT OF DISPOSITIVE MOTIONS:** March 31, 2006

**OTHER RELEVANT MATTERS:**

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately three (3) days.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation.

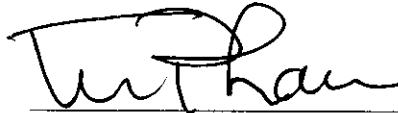
The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

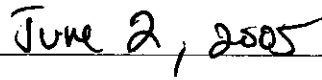
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM

United States Magistrate Judge



Date



## Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 2:05-CV-02185 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT